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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,974	04/16/2001	Laurent Baretzki	205984US-2X	6298
22850	7590	11/17/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			MAIS, MARK A	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/834,974	Applicant(s) BERETZKI	
	Examiner Mark A Mais	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>16 April 2001</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-14 were presented for examination.

Priority

2. Acknowledgement is made of the claim for foreign priority under 35 U.S.C. 119(a)-(d), and receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

3. The information disclosure statement (IDS) was submitted together with the Application on April 16, 2001. The submission is in compliance with the provisions of 37 CFR 1.56 and 1.97. Accordingly, the examiner considered the information disclosure statement.

Claim Objections

4. Claims 6-14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple claim (i.e., multiple dependent claim 6). See MPEP § 608.01(n). Accordingly, the claims 7-14 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanekar et al. (USP 6,751,191).

7. With regard to claim 1, Kanekar et al. discloses a network router **[fig. 3, master router, R-1]** characterized in that it includes at least one generic router **[fig. 3, slave router R-2]** able to execute routings between inputs (I1, I2, I3...) and outputs (O1, O2, O3...) **[both routers are capable of executing routing between inputs, with the slave router providing a load sharing function and redundancy function, col. 2, lines 6-10]**, a configuration file including the parameters of a given set of routings between said inputs and outputs **[the configuration file is updated and shared between the master to the slave, col. 4, lines 25-27]**, and a routing table **[both a layer 2 database and a layer 3 routing table, col. 2, lines 56-62]**, a subset of routings (R1, R2...) being loaded from said configuration file into said routing table by said generic router **[fig. 3, slave router R-2]** to enable this router to execute the routings between said inputs and outputs according to the configuration defined in said routing table **[the redundancy that Slave R-2 provides allows the system to operate 'seamlessly' when master R-1 fails such that all packet routing can be executed, col. 2, lines col. 2, line 49 to col. 3, line 4]**.

8. With regard to claim, Kanekar et al. discloses that the subset of routings (R1, R2...) is specific to a given need **[i.e., providing a load sharing function and a redundancy function, col. 2, lines 6-10]**.

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9. With regard to claim 3, Kanekar et al. discloses that when the generic router starts up, it activates the inputs and outputs dedicated to the application and loads the routing table [when master R-1 fails, slave R-2 “starts up” by taking over the layer 2 table for layer 2 packets, col. 2, lines 56-67].

10. With regard to claim 4, Kanekar et al. discloses, according to any of claims 1-3, wherein data processing functions ($f_1 \dots f_n$) are associated with said routings ($R_1, R_2 \dots$), these functions being defined in said configuration file and loaded into the routing table [the communication system counts on the routers, whether the master R-1 or the slave R-2, to be reliable, and therefore, there must be a redundancy, in order to prevent any communication ‘outage’, further exasperated by at least some switchover time, col. 1, lines 51-61. So, whether the master R-1 is performing layer 2 and 3 routing, or the slave R-2 is performing redundancy calculations/updates, the shared configuration table is constantly updated, as is the routing table, col. 4, lines 25-27].

11. With regard to claim to 5, Kanekar et al. discloses that the message received by a given input is processed by a function f , associated with this input, then routed according to said routing table to a designated output, then processed by a function f_2 associated with this output [fig. 5, as a bridge, the master R-1, uses the switch engine 510 on a given input for handling layer 2 protocol (spanning tree), and then controls the hardware via a given output using the forwarding engine functionality 514 (and the slave R-2, provides mirroring functionality), col. 7, lines 35-48].

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A Mais whose telephone number is (703) 305-6959. The examiner can normally be reached on 8:00-4:30.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (703) 305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 30, 2004

A handwritten signature in black ink, appearing to be 'W. Mais', with a long horizontal line extending to the right.